0963-ORD
08/27/07

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5767

AN ORDINANCE approving the rezone application of Hossein Khorram of Milano Town Homes, LLC to rezone five parcels of land, 1.9 acres, from R-3.5 and R-10 to R-15 for property located at 12311, 12321, 12331 NE 8th and 718 – 123rd Avenue, NE; and establishing an effective date.

WHEREAS, Hossein Khorram of Milano Town Homes, LLC filed an application to rezone five parcels of land, 1.9 acres, from R-3.5 and R-10 to R-15 for property located at 12311, 12321, 12331 NE 8th and 718 – 123rd Avenue NE; and

WHEREAS, on July 19, 2007 a public hearing was held before the Hearing Examiner for the City of Bellevue pursuant to notice as required by law; and

WHEREAS, on August 9, 2007, the Hearing Examiner recommended approval of the rezone application and made and entered findings of fact and conclusions based thereon in support of that recommendation, and no timely appeal thereof has been filed; and

WHEREAS, The City Council concurs in the findings of fact and conclusions of the Hearing Examiner and has determined that the public use and interest will be served by approving the rezone of said property to R-15, and that the criteria of Land Use Code Section 20.30A.140 have been satisfied; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the findings of fact and conclusions based thereon, made and entered by the Hearing Examiner in support of the recommendation to the City Council with regard to the hereinafter described property as set forth in "Findings of Fact, Conclusions of Law, and Recommendation in the Matter of the Rezone Application of Milano Town Homes, LLC, Hossein Khorram Wilburton Gateway Rezone For Properties located at 12311, 12321, 12331 NE 8th Street and 718 – 123rd Ave. NE, File No. 06-102602 LQ".

Section 2. The property described below is hereby rezoned from R-3.5 and R-10 to R-15:

That portion of the Northwest quarter of Section 33, Township 25 North, Range 5 East, W.M. in King County, Washington, described as follows:

Beginning at the Northeast corner of said subdivision; thence Southerly along the East line thereof to the Easterly extension of the South line of Lots 2 and 3, Block 3, Cottonwood Hill, as recorded in Volume 53 of Plats, Page 43; thence Westerly along said Easterly extension and South line to the Southwest corner of said Lot 3; thence continuing Westerly along the Westerly extension of said South line to the centerline of 123rd Avenue N. E., thence Northwesterly and Northerly along said centerline to the North line of the Northwest quarter of said Section 33; thence Easterly along said North line to the Point of Beginning.

Section 3. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 17th day of September, 2007 and signed in authentication of its passage this 17th day of September, 2007.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published September 21, 2007